

**Docket No:** 10-0215  
**Bench Date:** 06/02/10  
**Deadline:** N/A

**MEMORANDUM**

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**TO:** The Commission

**FROM:** D. Ethan Kimbrel, Administrative Law Judge

**DATE:** May 24, 2010

**SUBJECT:** Apple Canyon Utility Company

Petition for Issuance of Permanent and Temporary Certificates of Public Convenience and Necessity to Provide Water Service to a Parcel in Unincorporated Jo-Daviess, County, Illinois Pursuant to Section 8-406 of the Illinois Public Utilities Act; and for approval of a related contract.

**RECOMMENDATION:** Grant temporary certificate.

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On March 22, 2010 Apple Canyon Utility Company ("Petitioner" or "Apple Canyon") filed with the Illinois Commerce Commission ("Commission"), a verified petition for a Certificate of Public Convenience and Necessity pursuant to Section 8-406 of the Public Utilities Act ("Act"), to provide water service to a certain parcel in Jo-Daviess County, Illinois. Petitioner was requested by the Scales Mound Fire Protection District to provide water service to a fire station proposed to be constructed on a parcel that is adjacent to and in the vicinity of the existing certificated area of Apple Canyon. In addition to a permanent Certificate, the Petition requests temporary authority from the Commission to serve the parcel under the standard rates, rules and regulations that Apple Canyon has in effect, for no longer than one year or until such lesser time as the Commission issues its final Order in this docket. According to Apple Canyon's Verified Petition, the Fire Protection District will be in need of service before the Commission is in a position to issue its final decision, and no utility is currently certified to provide such service. There are no municipalities whose corporate boundaries lie within one and one-half miles of the property.

Based upon the representations made in the Petition and the Prepared Direct Testimony submitted by the Petitioner via e-Docket on April 28, 2010, the customer will need water service before the Commission issues its final Order in this docket, but the customer will not be able to acquire such service unless a temporary certificate is granted. No utility is presently certificated to provide the necessary service. Staff filed a Verified Statement recommending that the Commission grant a temporary certificate

of convenience and necessity to the Petitioner to provide water service to the parcel legally described in Exhibit "A" attached to the Petition.

DK/fs